IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 894/2004
(Nand Kishore Vs. State of Rajasthan & Ors.)

Date of Order : 26/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. D.S.Udawat for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.
Dr. Sachin Acharya for the non-petitioners No. 2 and 3.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 24.7.2001 passed by Judicial Magistrate, First Class, Asind (for short 'the trial court' hereinafter), whereby the trial court granted interim maintenance in favour of Non-petitioner No.2 at the rate of Rs. 300/- per month and in favour of non-petitioners No.3 and 4 at the rate of Rs.200/- each per month.

Learned counsel for the non-petitioners submit that the main application under Section 125 Cr.P.C. has already been decided by the trial court vide order dated 17.12.2004 awarding

maintenance in favour of non-petitioners No. 3 and 4 from the date of order. However, non-petitioner No.2 has been denied the maintenance. Be that as it may, the order impugned granting interim maintenance cannot be said to be otherwise erroneous warranting interference in the inherent jurisdiction.

The petition is, therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

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